

U.S. Commission on Civil Rights

Advisory Committee Member Orientation



MESSAGE FROM THE CHAIR OF THE USCCR CATHERINE LHAMON



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- **Mission:** To inform the development of national civil rights policy and enhance enforcement of federal civil rights laws
- **Jurisdiction:** Achieve mission by studying alleged deprivations of voting rights and alleged discrimination based on race, color, religion, sex, age, disability status, or national origin, or in the administration of justice



THE COMMISSIONERS

The agency is led by eight Commissioners: four, including the Chair, appointed by the President and four appointed by Congress. They serve six-year staggered terms.

1. Catherine Lhamon, Chairman (Democrat, Presidential Appointee)
2. Patricia Timmons-Goodson, Vice Chair (Independent, Presidential Appointee)
3. Karen Narasaki (Independent, Presidential Appointee)
4. Debo Adegbile (Democrat, Presidential Appointee)
5. Gail Heriot (Independent, Congressional Appointee)
6. Michael Yaki (Democrat, Congressional Appointee)
7. David Kladney (Democrat, Congressional Appointee)
8. Peter Kirsanow (Republican, Congressional Appointee)



Powers of the Commission

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- It does **not** have enforcement powers
- Maintains 51 advisory committees



Federal Advisory Committees

- A Federal Advisory Committee is a Committee established by a statute, Executive Order, or federal agency for the purpose of obtaining advice or recommendations for the President, Congress, or federal agency within the scope of the agency's official responsibilities. 41 C.F.R. 102-3.25.



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- Under 42 U.S.C. 1975a(d), the Commission is mandated to establish one advisory committee in each State and the District of Columbia
- The Federal Advisory Committee Act (FACA) became law in 1972 and is the legal foundation defining how federal advisory committees operate.



Principles of FACA

Under FACA, agencies should apply the following principles to the management of their advisory committees:

➤ Provide Adequate Support



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Principles of FACA

- Provide Adequate Support
- Focus on Mission – “the more specific an advisory committee’s tasks and the more focused its activities are, the higher the likelihood will be that the advisory committee will fulfill its mission”
- Follow Plans and Procedures
- PRACTICE OPENNESS – “agencies should seek to be as inclusive as possible”
- Seek Feedback – Agencies should continually seek feedback from committees



FACA Policies

According to 41 C.F.R. 102-3.30, FACA provides the following policies:

- An advisory committee must be fairly balanced in its membership in terms of the points of view represented and the functions to be performed
- Advisory committee meetings must be open to the public
- The function of advisory committees is advisory only



FACA Policies

- The work of a federal advisory committee is conducted with the assistance of a DFO (Designated Federal Official).
- The Designated Federal Official schedules meetings with the Chair of Committees and approves the agenda.
- The Designated Federal Official must attend all meetings of the Committee and any subcommittees.
- Minutes of all Committee meetings and subcommittee meetings must be kept



USCCR Designated Federal Officers

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David Barreras, Chicago

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Malee Craft, Denver

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Ana Victoria Fortes, Los Angeles

Jeff Hinton, Atlanta

Melissa Wojnaroski, Chicago

USCCR Committee Management Officer

David Mussatt, Chicago

USCCR Advisory Committee Support Specialists:

Carolyn Allen, Chicago

Evelyn Bohor, Denver

Corrine Sanders, Kansas City

Angelica Trevino, Los Angeles

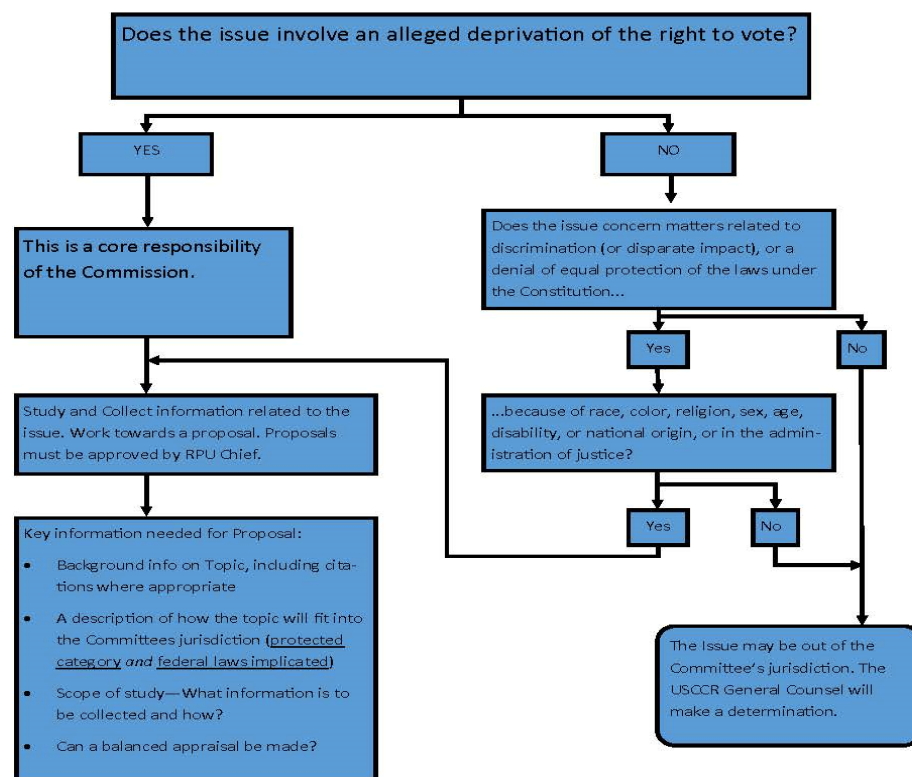
Is a Topic within the Advisory Committees Jurisdiction?





CIVIL RIGHTS

STATE ADVISORY COMMITTEE DECISION FLOWCHART



What is the general process for an
Advisory Committee's study?

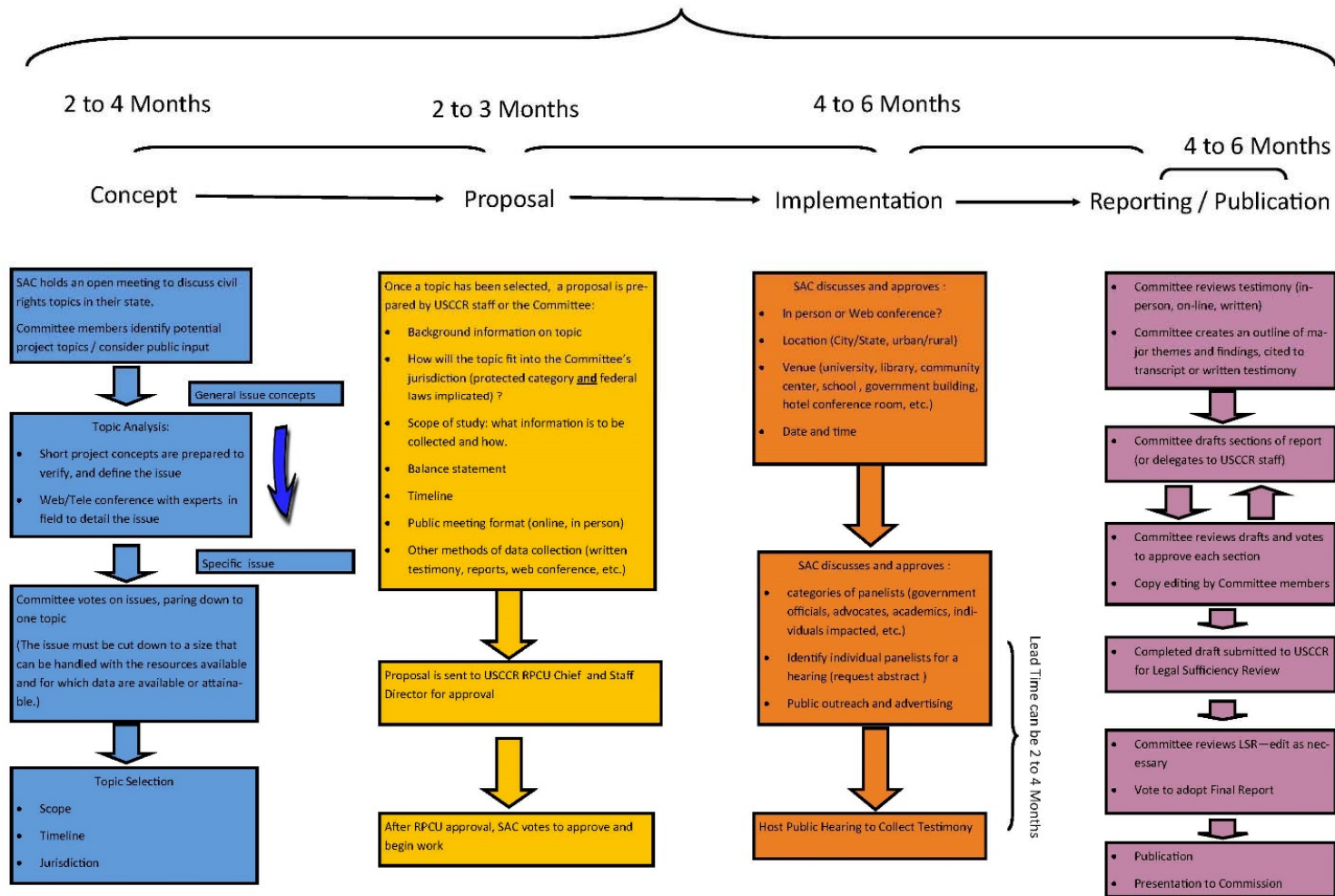




USCCR State Advisory Committee—Report Process and Timeline



Concept to Publication—18 to 24 Months (estimated)



Concept Phase (2 to 4 Months)

SAC holds an open meeting to discuss civil rights topics in their state.
Committee members identify potential project topics/consider public input



General issue concepts

Topic Analysis

- Short project concepts are prepared to verify, and define the issue
- Web/Tele conference with experts in field to detail the issue



Specific issue



Committee votes on issues , paring down to one topic.

(The issue must be cut down to a size that can be handled with the resources available and for which data are available or attainable.)



Topic Selection

Scope

Timeline

Jurisdiction

Proposal Phase (2 to 3 Months)

Once a topic has been selected, a proposal is prepared by USCCR staff or the Committee:

- Background information on topic
- How will the topic fit into the Committee's jurisdiction (protected category and federal laws implicated)?
 - Scope of study: what information is to be collected and how
 - Balanced statement
 - Timeline
 - Public meeting format (online, in person)
- Other methods of data collection (written testimony, reports, web conferences, etc.)



Proposal is sent to USCCR RPCU Chief and Staff Director for approval



After RPCU approval, SAC votes to approve and begin work

Implementation Phase (4 to 6 Months)

SAC discusses and approves:

- In person or Web conference?
- Location (City/State, urban/rural)
- Venue (university, library, community center, school, government building, hotel conference room, etc.)
- Date and time



SAC discusses and approves:

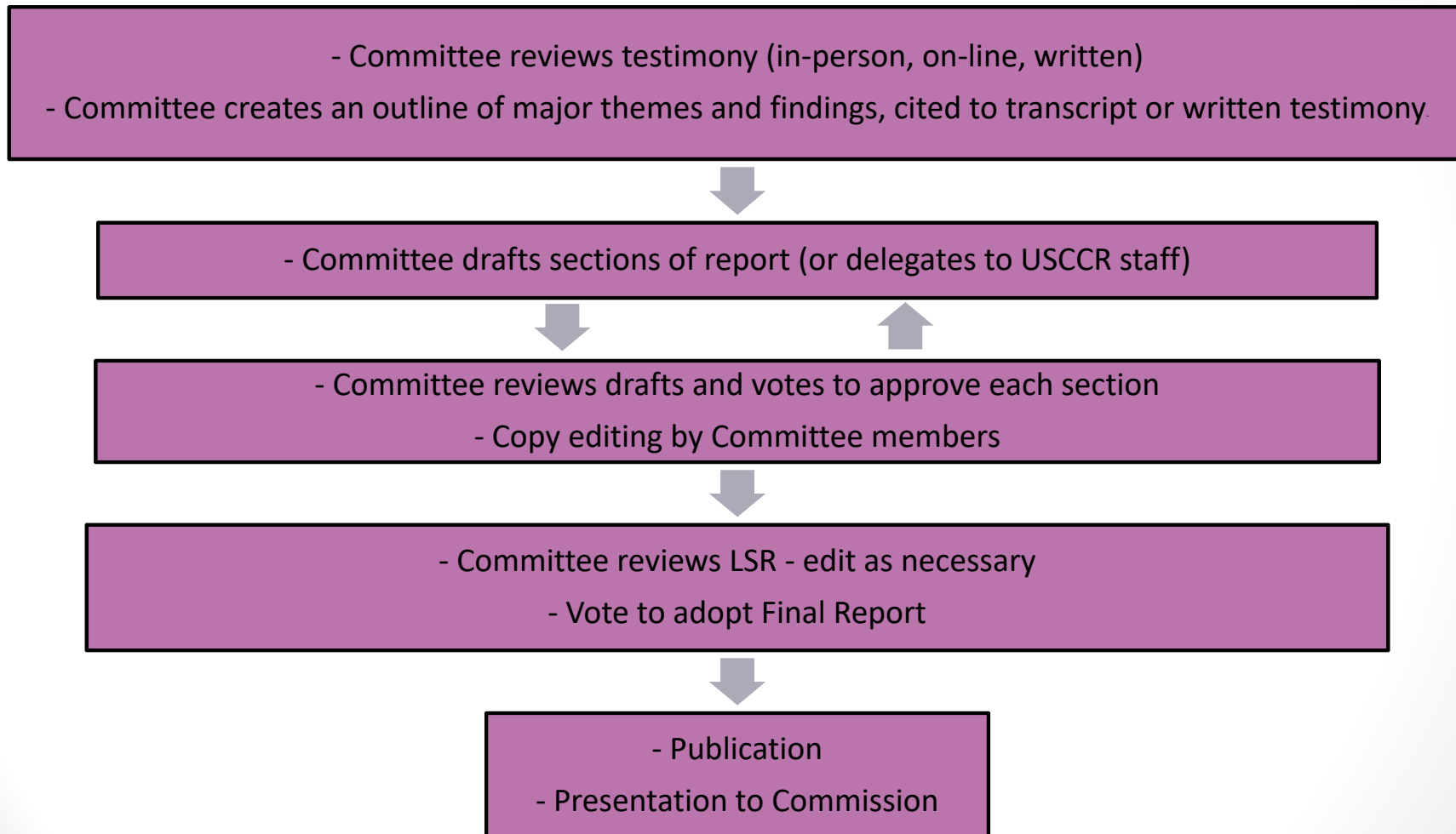
- Categories of panelists (government officials, advocates, academics, individuals impacted, etc.)
- Identify individual panelists for a hearing (request abstract)
- Public outreach and advertising



Host public hearing to collect testimony

Lead
time can
be 2 to 4
months

Reporting/Publication Phase (4 to 6 Months)



FREQUENTLY ASKED QUESTIONS



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- How do Advisory Committees transmit Advice to the Commission?
- Projects result in a report or an advisory memorandum to the Commission. Both are based upon testimony heard and the deliberation and vote of the Committee members.
- Advisory Committee Chairs also present advice directly to Commissioners at a regularly scheduled Commission meeting

FREQUENTLY ASKED QUESTIONS

- How often can Advisory Committees meet?

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Advisory Committee meetings are limited by:

1. DFO capacity and availability
2. FACA requirement that meetings are posted 15 days in advance in Federal Register
3. In-person meetings with testimony cannot occur when agency is closing out budget year and federal funding is on a continuing resolution (normally September through December)

FREQUENTLY ASKED QUESTIONS

- What is the quorum for Advisory Committees meetings?

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- Under the Code of Federal Regulations, the quorum for meetings where committees make decisions is five
- To hear testimony, the quorum is three

FREQUENTLY ASKED QUESTIONS

- Can Advisory Committees study more than one issue at a time?

FREQUENTLY ASKED QUESTIONS

- Can Advisory Committees study more than one issue at a time?
- Generally, DFOs are instructed to support one project per advisory committee at a time
- Because of the large number of committees and small number of DFOs, the Unit does not have the capacity to support more than one project per committee

FREQUENTLY ASKED QUESTIONS

- How is the success of an Advisory Committee defined?

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- How is the success of an Advisory Committee defined?
- Officially, success is measured by the number of recommendations that an Advisory Committee makes to the Commission that are implemented through action of the Commission or by the Commission forwarding the recommendation to the relevant agency or body

FREQUENTLY ASKED QUESTIONS

- Will the Advisory Committee reports and advisory memos really impact laws and policies?

FREQUENTLY ASKED QUESTIONS

- Will the Advisory Committee reports and advisory memos really impact laws and policies?
- YES. Although the Advisory Committee's work on a project is officially over once the advice is presented to the Commission, the findings and recommendations are frequently used to shape state and federal laws and policies as well as public discourse about the specific issue

FREQUENTLY ASKED QUESTIONS

- What civil rights topics have Advisory Committees explored previously?

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- What civil rights topics have Advisory Committees explored previously?
- Voting Rights
- Human Trafficking
- Hate Crime
- Police Militarization
- Immigration
- School-to-Prison Pipeline
- Civil Asset Forfeiture
- Seclusion and Restraint of Children with Disabilities

FREQUENTLY ASKED QUESTIONS

- Where can I see recent Advisory Committee reports to the Commission?

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- Where can I see recent Advisory Committee reports to the Commission?
- <http://www.usccr.gov/pubs/recentsacreports.php>

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Contact the Committee

For more information please contact:

David Mussatt, Committee Management Officer

U.S. Commission on Civil Rights

Regional Programs Unit

55 W. Monroe, Suite 410

Chicago IL 60603

312-353-8311

dmussatt@usccr.gov

